

REMARKS/ARGUMENTS

This Preliminary Amendment is filed concurrently with a Request for Continued Examination (RCE) in response to the final Office Action dated November 14, 2008.

Claims 1, 18–21, 24–30, and 36 are pending in the application. The Office Action rejected Claims 1, 18, 21, 25–27, and 30 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,480,182 to Turner et al. (“Turner”). The Office Action also rejected Claims 19–20 and 28–29 under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of U.S. Patent No. 6,437,985 to Blanc et al. (“Blanc”), and Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of U.S. Patent No. 6,118,426 to Albert et al. (“Albert”) further in view of Blanc. Finally, the Office Action rejected Claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Turner in view of U.S. Patent No. 6,427,065 to Suga et al. (“Suga”).

Applicants thank the Examiner for courtesies extended during the telephonic interviews that took place on March 13, 2009. During the interviews, possible amendments to Independent Claim 1 were discussed in light of the cited art. In particular, the Examiner agreed that the Turner reference does not teach or suggest an electronic label according to Claim 1 “wherein the wall includes the display and the antenna extends on the face of the wall around the display.” Therefore, in view of the amendments and remarks set forth herein, Applicant respectfully submits that the application is in condition for allowance.

Cancellation of Claims 31–33

As a preliminary matter, Claims 31–33, which were previously withdrawn, have been canceled in order to put the application in better condition for allowance.

The Claimed Invention

Claim 1, as amended herein, recites “an electronic label comprising a housing having at least one wall, a display disposed along the wall, and an antenna layer extending along the wall in such a manner as to constitute a stack with the wall.” The antenna layer comprises “at least a first antenna head and at least a second antenna head spaced from the first antenna head such that

an area, through which the electronic display is viewable, is at least partially defined in the antenna layer between the first and second antenna heads.” The display includes “metal disposed between the first antenna head and the second antenna head such that the first antenna head, the second antenna head, and the display are capable of acting as a capacitor.” Claim 1 has been amended to further recite that “the wall includes the display and the antenna extends on the face of the wall around the display.” Support for this amendment can be found in Figs. 1 and 2 and on pg. 2, lines 33–35; pg. 6, lines 1–8; and pg. 7, lines 27–31 of the specification.

Claims 18–21, 24–30, and 36 depend from Claim 1 and thus incorporate all of the elements of Claim 1.

Rejection of Claims 1, 18, 21, 25–27, and 30 under 35 U.S.C. § 102

Claims 1, 18, 21, 25–27, and 30 under 35 U.S.C. § 102(e) as being anticipated by Turner. Applicant respectfully submits that the rejection of Claims 1, 18, 21, 25–27, and 30 is traversed for the reasons given below.

Turner is directed to a nonemissive (reflective), electronically addressable, flat-panel display. In particular, Turner describes a display system in which an electrophoretic display material **104** and nonlinear elements **106** are “sandwiched between column electrodes **100** and row electrodes **102**, forming a series circuit at each topological point of overlap (intersection) between the tow electrode arrays.” Turner, Fig. 1; col. 4, lines 54–58 (emphasis added). The column electrodes **100** and the row electrodes **102** of Turner reside in different layers (i.e., “top” and “bottom” electrodes), such that the top electrodes must be transparent to allow the display to be viewed. *See, e.g.*, col. 4, lines 50–51; col. 6, lines 35–43; col. 7, lines 8–9; col. 10, lines 52–56. In fact, all of the non-schematic figures in Turner show a layered structure of the display, with the electrodes on different layers (rather than on the same layer, in substantially the same plane). Figures 6A and 6B of Turner provide the best illustration of the structure of Turner’s display.

In order to further patentably distinguish the claimed invention from the disclosure of Turner, independent Claim 1 has been amended to recite that the wall includes the display, and

the antenna extends on the face of the wall around the display. As discussed with the Examiner, the display 3 and antenna heads 101, 103 of the claimed invention are disposed on the same structure and are thus in substantially the same plane, as opposed to being in an overlapping configuration. Thus, the display 3 is bounded by the antenna heads 101 and 103, similar to when children draw a circle on the ground and play in the circle. Turner does not teach or suggest an electronic label, where the wall of the label includes the display and the antenna extends on the face of the wall around the display. Accordingly, for at least the reasons described above, the rejections of Claims 1, 18, 21, 25–27, and 30 are respectfully traversed.

Rejection of Claims 19–20, 22–24, 28–29, and 36 under 35 U.S.C. § 103

Claims 19–20, 22–24, 28–29, and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over combinations of Turner with Blanc, Albert, and Suga, respectively. None of the secondary references, however, cure the deficiencies of Turner.

The Albert patent describes layered devices having antennae for receiving signals that prompt the updating of displays, but the layered devices are described without any detail as to the disposition of an antenna layer. The Blanc patent illustrates an upper layer of a label having printed bar codes, without reference to any electronic display. The Suga patent describes antenna devices, but does not describe any electronic display as viewable through an antenna layer. Accordingly the cited references, when taken alone or in combination, do not teach or suggest an electronic label where the wall of the label includes the display and the antenna extends on the face of the wall around the display.

Claims 19–20, 22–24, 28–29, and 36 depend from independent Claim 1. Therefore, for at least the reasons described above, the rejections of Claims 19–20, 22–24, 28–29, and 36 are also respectfully traversed.

CONCLUSION

In view of the remarks presented above, it is respectfully submitted that independent Claim 1 and all the claims depending therefrom (*i.e.*, Claims 18–21, 24–30, and 36) are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above, and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to specific dependent claims. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of dependent claims at a later date if necessary.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MARCH 16, 2009.